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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/508,109	04/11/90	BORMANN	J MERZ16

GORDON W. HUESCHEN
715 THE "H" BUILDING
310 EAST MICHIGAN AVENUE
KALAMAZOO, MI 49007

EXAMINER

WILSON, T

ART UNIT PAPER NUMBER

125

6

DATE MAILED:

03/29/91

☒ This application has been examined ☒ Responsive to communication filed on 02/11/91 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-13 are pending in the application.
Of the above, claims are withdrawn from consideration.
2. ☐ Claims have been cancelled.
3. ☒ Claims 1-9, 11-13 are allowed.
4. ☒ Claim 10 is rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial No. 07/508,109

-2-

Art Unit 125

Claims 1-13 remain in the case.

Applicants' arguments and amendment have been placed of record in the file, effective 02/11/91.

Applicants' amendment and arguments are deemed appropriate and persuasive as regards the rejections under 35 U.S.C. 101 and 103. However, in a telephonic interview between Examiner Wilson and attorney Hueschen on 03/26/91, agreement was not reached regarding Claim 10 and rejection under 35 U.S.C. 112, first paragraph. In particular, there is insufficient exemplary support for "treatment of Alzheimer's disease." See In re Application of Hozumi, 226 USPQ 354, and M.P.E.P. 608.01 (p) A. Accordingly, this rejection of Claim 10 is made final.


THE ALLOWED CLAIMS ARE 1-9 AND 11-13.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Wilson, whose telephone number is (703) 308-3728.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

T. Wilson

03/27/91


FREDERICK E. WADDELL
EXAMINER
GROUP ART UNIT 125